REMARKS

Claims 1-32, 34-46, and 49-73 are pending. Claims 1, 22, 32, and 45 are rejected under 35 U.S.C. § 112. Claims 1-4, 6-8, 12, 14-16, 21, 22, 26, 31, 32, 34, 39, 44, 45, 49-50, 53, 55-57, 62, 65, 66 and 69 are rejected under 35 U.S.C. § 102. Claims 5, 9, 10, 11, 13, 17-20, 23-25, 27-31, 33-38, 40-46, 50-54, 56-64, and 66-73 are rejected under 35 U.S.C. § 103. Applicant respectfully traverses these rejections. Claim 1 is herein amended. No new matter has been added.

Telephone Conversation With Examiner

Applicant's representative thanks Examiner Brown for the telephone conversation conducted on March 22, 2007. During the conversation, Applicant's representative explained that, as claimed, the created program does not access the cryptographic key. Examiner Brown agreed.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 22, 32, and 45 are rejected under 35 U.S.C. § 112 as being indefinite. It is asserted, in the instant Office Action, that independent claims 1, 22, 32, and 45, are indefinite because applying a key without access to a key is indefinite.

Applicant respectfully submits that Examiner misinterprets claims 1, 22, 32, and 45 to imply that the computer program must access a cryptographic key. For example, in the instant Office Action on page 3, it is stated that "[c]laims 1, 22, 32, and 45 state that a computer program applies a cryptographic key to a first data." In actuality, claim 1 recites "[a] method of creating a computer program…said method comprising the acts of…applying a cryptographic key." The computer program created by the method does not require access to the cryptographic key. The method can include access to the cryptographic key, but the computer program created by the method does not require access to the cryptographic key. It also is asserted, on page 4 of the instant Office Action, that "[c]laims 1, and 22 state applying a key without access to a key." Again, it appears that the method is being confused with the computer program created by the method. It is not clear what is causing the misinterpretation

of claims 1, 22, 32, and 45, however, the preamble of claim 1 is amended for clarification. Accordingly, it is requested that the rejection, under 35 U.S.C. § 112, of independent claims 1, 22, 32, and 45, be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 6-8, 12, 14-16, 21, 22, 26, 31, 32, 34, 39, 44, 45, 49-50, 53, 55-57, 62, 65, 66, and 69 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,775, issued to Granger *et al.* ("Granger *et al.*"). It is submitted that these rejections are based on the above described misinterpretation of independent claims 1, 22, 32, and 45. Given the proper interpretation of claims 1, 22, 32, and 45, claims 1-4, 6-8, 12, 14-16, 21, 22, 26, 31, 32, 34, 39, 44, 45, 49-50, 53, 55-57, 62, 65, 66, and 69 are not anticipated by Granger *et al.* Examiner is urged to consider the arguments below in light of the proper interpretation of independent claims 1, 22, 32, and 45.

Granger *et al.*, neither discloses nor suggests "said computer program does not require access to said cryptographic key," as recited in amended independent claim 1, "said first set of actions not requiring for their performance access to said cryptographic key," as recited in independent 22, "performance of said action does not require access to said cryptographic key," as recited in independent claim 32, or "performance of said first action does not require access to said cryptographic key," as recited in independent claim 45.

In contrast to Applicants' claimed invention, Granger *et al.* requires access to a cryptographic key. As taught in Granger *et al.*, a key is used to encrypt and decrypt, and writing the encryption layer in pseudocode does not negate the use of the key. Writing the encryption layer in pseudocode "serves the purpose of concealing the implementation details of the Encryption Layer from pirates." (Column 6, lines 53-56). Writing the encryption layer in pseudocode merely implies writing the encryption layer in a different language. Preferably, as taught by Granger *et al.*, the language is difficult for pirates to evaluate. "The pseudocode is preferably written in a language of a non-existent machine or microprocessor, so that pirates cannot use commercially-available software development tools to disassemble and evaluate such copy protection functions." (Column 7, lines 1-7). Granger *et al.* does not

teach, however, that writing the encryption layer in pseudocode provides a means for encrypting and decrypting without the use of the key.

All teachings in Granger *et al.* are directed to using a key for encryption and decryption, and nowhere does Granger *et al.* teach performing encryption or decryption without using a key. This is exemplified in FIG. 1A and FIG. 1B of Granger *el al.*, reproduced herein. As can be seen in FIG. 1A and FIG. 1B, a key is always provided to the encryption engine 30 and to the decryption engine 30', regardless of the language used to implement the encryption layer.

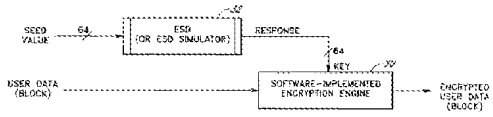

FIG. 1A

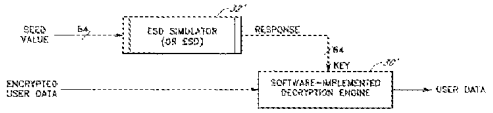

FIG. 1B

Granger *et al.*, teaches that key-based encryption and decryption algorithms are used, and even provides examples of such algorithms. "The encryption engine 30 applies a key-based encryption algorithm to the block of user data. Any of a variety of encryption algorithms can be used for this purpose, including, for example, DES, RSA, or an exclusive-OR (XOR) algorithm." (Emphasis added) (Column 10, lines 21-25). "The decryption engine 30' implements a decryption algorithm which is the inverse of the algorithm used to encrypt the user data. Because the same seed value is used to generate the decryption key, the decryption key is the same as the encryption key ..." (Emphasis added) (Column 10, lines 56-61).

Further, Granger *et al.*'s teaching of obfuscation does not negate the use of a key. Obfuscation, as taught in Granger *et al.* "involves the use of a special development tool to translate selected blocks of the copy-protection code into much larger, less efficient blocks of code, so that the pirate has to disassemble and analyze significantly greater amounts of machine code to extract the function(s) or algorithm(s) performed by such code." (Column 7, line 63- Column, line 2). Thus, obfuscation, as taught in Granger *et al.*, merely reorganizes the code to make the code harder to analyze by pirates. Granger *et al.* does not teach that encryption and decryption do not require a key due to obfuscation.

In view of the above remarks, arguments, and amendments, it is requested that the rejection of claims 1-4, 6-8, 12, 14-16, 21, 22, 26, 31, 32, 34, 39, 44, 45, 49-50, 53, 55-57, 62, 65, 66, and 69, under 35 U.S.C. § 102 be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 5, 9, 10, 11, 13, 17-20, 23-25, 27-32, 34-38, 40-46, 50-54, 56-64, and 66-73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Granger *et al.* in view of various combinations of U.S. Patent No. 6,715,079 issued to Maytal (Maytal), U.S. Patent Application Publication No. 2002/0178412 in the name of Matsui (Matsui), U.S. Patent No. 6,598,162, issued to Moskowitz (Moskowitz), U.S. Patent No. 5,758,293, issued to Frasier (Frasier), U.S. Patent No. 5,892,899, issued to Aucsmith (Aucsmith), U.S. Patent No. 5,949,573, issued to Yarom (Yarom), U.S. Patent No. 5,850,554, issued to Carver (Carver), U.S. Patent No. 5,912,972, issued to Barton (Barton), and U.S. Patent No. 5,682,428, issued to Johnson (Johnson).

The arguments and remarks provided above with respect to rejections based on Granger *et al.* under 35 U.S.C. 102 also apply to the rejections of claims 5, 9, 10, 11, 13, 17-20, 23-25, 27-32, 34-38, 40-46, 50-54, 56-64, and 66-73 under 35 U.S.C. 103. Accordingly, it is requested that the rejection of claims 5, 9, 10, 11, 13, 17-20, 23-25, 27-32, 34-38, 40-46, 50-54, 56-64, and 66-73 under 35 U.S.C. 103 be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing arguments, remarks, and amendments, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

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